

IN RE: PETITION FOR ADMIN. VARIANCE
SE/S Middle River Avenue, 1212.8' SW
Centerline of Susquehanna Avenue
15th Election District
5th Councilmanic District
(3701 Middle River Avenue)

Sandra A. & Rodney C. O'Neal
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-207-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Sandra A. and Rodney C. O'Neal. The variance request is for property located at 3701 Middle River Avenue in the Middle River area of Baltimore County. The Petitioners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 1.2 ft. side yard setback to an existing garage to be connected to a proposed single family dwelling in lieu of the required 10 ft. and to permit an existing swimming pool to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the

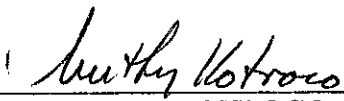
1/8/02
R. J. [Signature]

requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of January 2002, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 1.2 ft. side yard setback to an existing garage to be connected to a proposed single family dwelling in lieu of the required 10 ft. and to permit an existing swimming pool to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj


1/8/02



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 8, 2002

Mr. & Mrs. Rodney C. O'Neal
3701 Middle River Avenue
Baltimore, Maryland 21220-4333

Re: Petition for Administrative Variance
Case No. 02-207-A
Property: 3701 Middle River Avenue

Dear Mr. & Mrs. O'Neal:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Matthew Brubaker
1016 Morton Street
Baltimore, MD 21201

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



CB CA *Stodd Plain*

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3701 Middle River Avenue

which is presently zoned D.R. 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1302.3.C 1 AND 400.1 BCZR

TO PERMIT A 1.2 FEET SIDE YARD SETBACK TO AN EXISTING GARAGE TO BE CONNECTED TO A PROPOSED SINGLE FAMILY DWELLING IN LIEU OF THE REQUIRED 10 FEET AND TO PERMIT AN EXISTING SWIMMING POOL TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Rodney C. O' Neal

Name - Type or Print _____

Signature *Rodney C. Neal*

Sandra A. O' Neal

Name - Type or Print _____

Signature *Sandra A. Neal*

3701 Middle River Ave. 410-335-0992

Address Baltimore MD Telephone No. 21220-4333

City _____ State _____ Zip Code _____

Representative to be Contacted:

Matthew Brubaker

Name _____

1016 Morton St. 410-685-3582

Address _____ Telephone No. _____

Baltimore MD 21201

City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11/18/02 day of November, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 02-207-A

Reviewed By JRF Date 11-19-01

Estimated Posting Date 12-2-01

REV 9/15/98

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3701 Middle River Avenue
Address
Baltimore MD 21220-4333
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

THE ONEALS WISH TO RAZE SFD & REMODEL EXIST'G GARAGE.
A NEW SFD WILL BE CONSTRUCTED & ATTACHED TO EXISTING
REMODELED GARAGE. THE ONEALS WISH TO KEEP THE GARAGE
IN CURRENT LOCATION DUE TO LACK OF TURN-AROUND CAPABILITIES
IF GARAGE WERE MOVED TO COMPLY W/ ZONING REGULATIONS
CURRENTLY THE ONEALS HAVE ONLY 36' TURN-AROUND SPACE
IN LIEU OF A STANDARD 45' TURN AROUND AREA.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Rodney C. Neal
Signature
Rodney C. O' Neal
Name - Type or Print

Sandra A. Neal
Signature
Sandra A. O' Neal
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit.

I HEREBY CERTIFY, this 13 day of November, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Rodney C. Neal
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

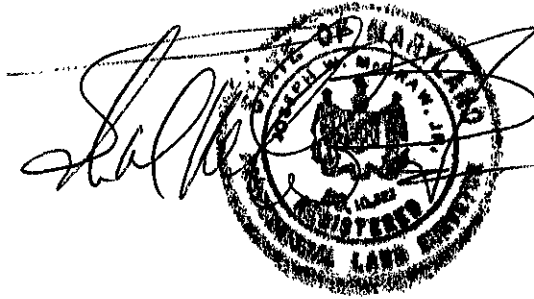
AS WITNESS my hand and Notarial Seal

11/13/01
Date

[Signature]
Notary Public
My Commission Expires JUNE 2005

ZONING DESCRIPTION FOR #3701 Middle River Avenue

Beginning at a point on the southeast side of Middle River Avenue which is 25 feet wide at the distance of 1,212.8 feet south and southwest of the centerline of the nearest improved intersecting street, Susquehanna Avenue, which is 40 feet wide. Being Lot #'s 63 & 64, Plan "C" in the subdivision of LONG BEACH ESTATES as recorded in Baltimore County Plat Book #4, Folio #131, containing 26,955+/- square feet. Also known as #3701 Middle River Avenue and located in the 15TH Election District, 5TH Councilmanic District.



#207

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **08101**

DATE 11-19-01 ACCOUNT 001-006-6150

AMOUNT \$ 50.00

RECEIVED FROM: BRUENAKER ITEM # 207

3701 Middle River Ave
FOR: 01 - VARIANCE TAKEN BY: JRE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME

11/19/2001 11/19/2001 10:06:11

REQ 4504 CASHIER DRG DMD DEPT 2

RECEIPT # 164986

DEPT 5 528 ZIMING VERIFICATION

CR NO. 000101

Receipt Tot 50.00

50.00 OK .00 OK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 02-207-A

Petitioner/Developer: RODNEY L SANDRA

ONEAL

Date of Hearing/Closing: 12/12/01

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 3701 MIDDLE RIVER

AVE

The sign(s) were posted on 12-2-01
(Month, Day, Year)

Sincerely,

[Signature] 12/2/01
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

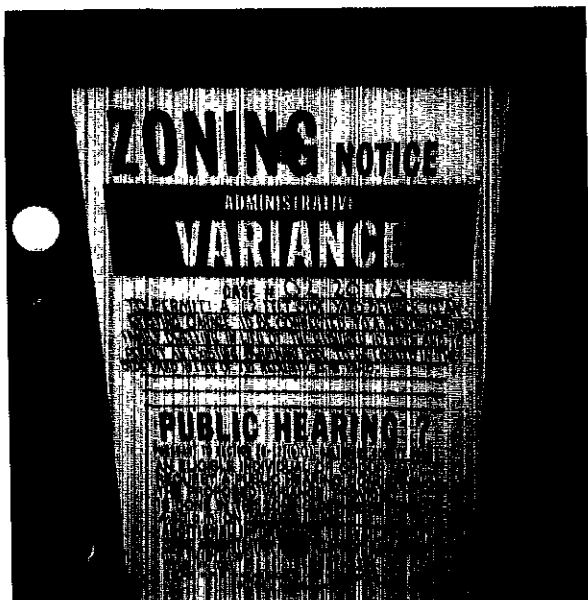
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 207

Petitioner: Rodney ONEAL

Address or Location: 3901 Middle River Ave. 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert M. INFUSSI

Address: P.O. Box 1043

Bel Air, MD. 21014

Telephone Number: 410-812-2236

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 02- 207 -AAddress 3701 Middle River Ave.Contact Person: Jun R. Fernando

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 11-19-01Posting Date: 12-2-01Closing Date: 12-17-01

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMATCase Number 02- 207 -AAddress 3701 Middle River Ave.Petitioner's Name Rodney & Sandra OncaTelephone 410-335-0992Posting Date: 12-2-01Closing Date: 12-17-01

Wording for Sign: To Permit a 12 foot side yard setback to an existing garage to be connected to a proposed single family dwelling in lieu of the required 10 feet. And to permit an existing swimming pool to be located in the side yard in lieu of the required rear yard

WCR - Revised 6/28/00

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: January 11, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2001
Item No. 207

The Bureau of Development Plans Review has reviewed the subject zoning item.

The elevation protection for this site is 11.2 feet.

The rear of buildings may not be constructed within 20 feet of the flood plain as established for a 100-year flood level with a 1-foot freeboard. *See Plate D19 in the Baltimore County Design Manual.*

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must at 1 foot above the flood plain elevation in all construction.

In accordance with *Bill No. 18-90, Section 26-276*, filling within a flood plain is prohibited.

The developer is responsible for the cost of temporary structures and measures required in the event of sectional development.

The building engineer shall require a permit for this project.

Building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

12/17 AV

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

January 2, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 17, 2001

Item No.:

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

200, 201, 202, ~~203~~ 208, 210, 211, 212, 214, 217, AND 218

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: Todd G. Taylor *TGT*

DATE: January 17, 2002

SUBJECT: Zoning Item 207
Address 3701 Middle River Road

Zoning Advisory Committee Meeting of 12/17/01

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

 X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

 X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

_____ Additional Comments:

Reviewer: Kieth Kelley

Date: 1/08/02

AV
12/17

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: January 7, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

JAN - 7

SUBJECT: 3701 Middle River Avenue

INFORMATION:

Item Number: 02-207

Petitioner: Rodney O' Neal

Zoning: Dr 3.5

Requested Action: Varinace

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a side yard setback of 1.2 feet to an existing garage in lieu of the minimum required 10 feet, and to permit an existing swimming pool to be located in the side yard in lieu of the required rear yard.

Prepared by: Maed-A Cump

Section Chief: Jeffrey W. Long

AFK:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12.31.01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. [REDACTED] (JRF)

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

K Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

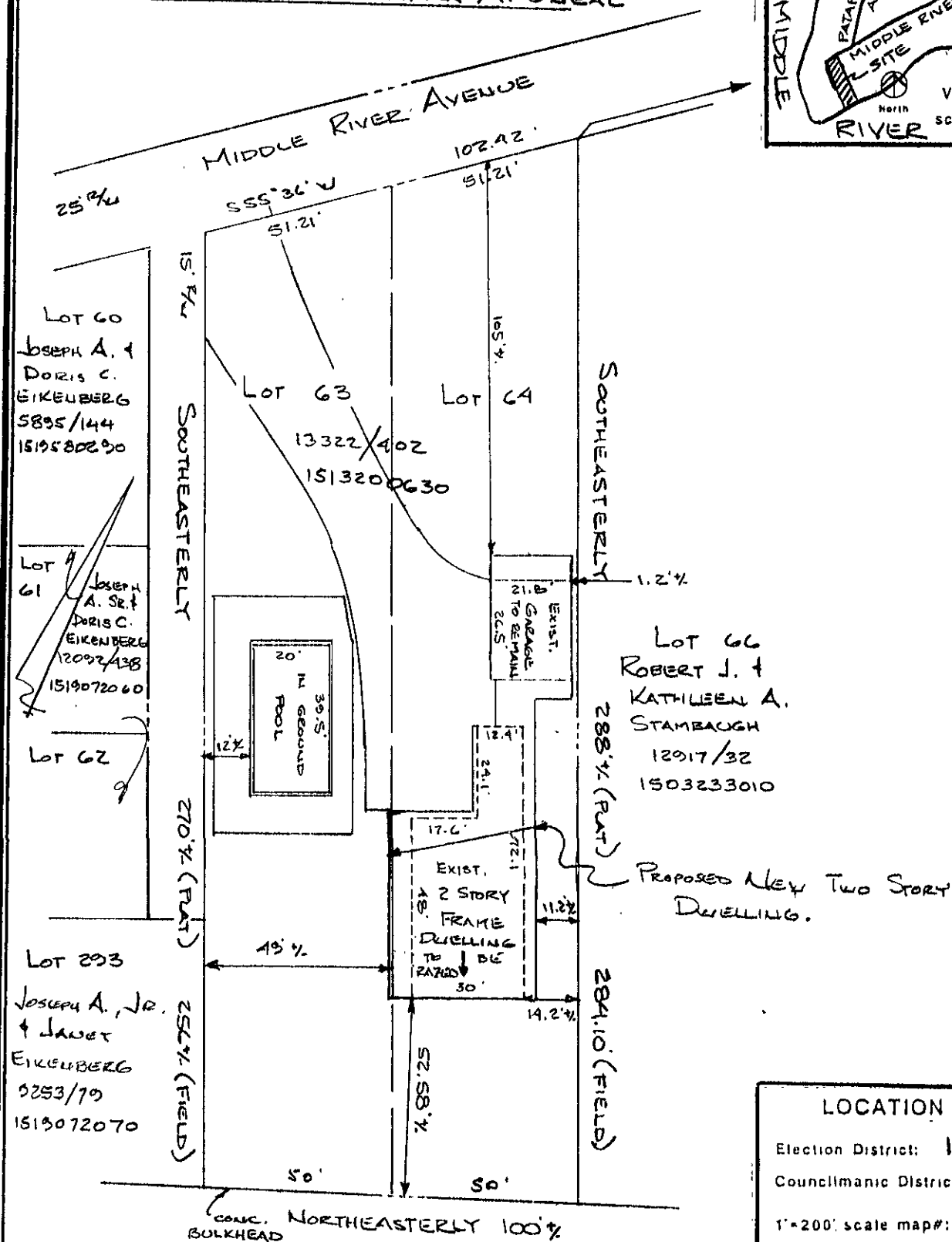
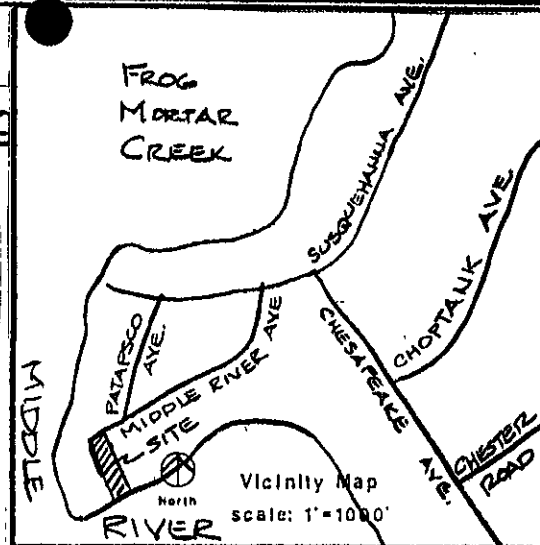
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3701 MIDDLE RIVER AVENUE

Subdivision name: LONG BEACH ESTATES

plat book # 4, folio # 131, lot # 63, section # Plan 'C'

OWNER: RODNEY C. + SANDRA A. ONEAL



LOCATION INFORMATION

Election District: 15TH

Councilmanic District: 5TH

1"=200' scale map #: NE 2K

Zoning: D.R. 3.5

Lot size: 0.624 acreage 26,955 square feet

SEWER: ☒ public ☐ private

WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☒ yes ☐ no

Prior Zoning Hearings:

NONE KNOWN OF

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

JRF 207 02-207-A

J.S.T. Engineering Co., Inc.
6912 North River Drive
Baltimore, MD. 21220
410 335-9142 Fax 410 335-9144

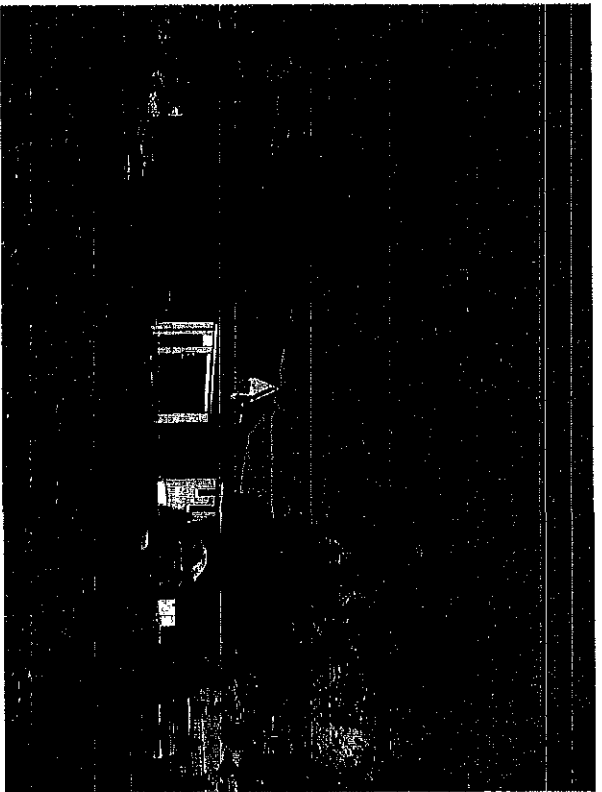
Scale: 1" = 40' Date: 11-16-01

Ret. E. #1

FROG MORTAR C



O'Neal Residence - 3701 Middle River Avenue



Rear

1
VIEW SOUTH OF
EXISTING HOUSE



Rear

2
VIEW SOUTH OF
EXISTING HOUSE



Front



3
VIEW NORTH OF
EXISTING HOUSE

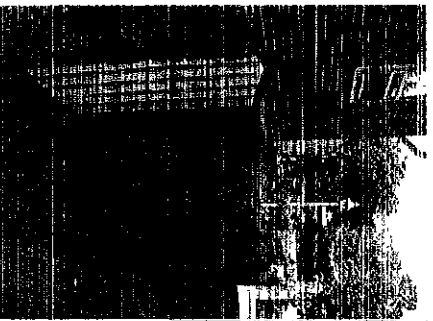
O'Neal Residence - 3701 Middle River Avenue



SIDE

FRONT

VIEW NORTHEAST OF
EXISTING HOUSE 4



SIDE

VIEW EAST OF
EXISTING HOUSE 5

O'Neal Residence - 3701 Middle River Avenue



10
VIEW WEST ALONG
MIDDLE RIVER AVE



11
VIEW SOUTH ALONG
EAST SIDE OF PROPERTY



12
VIEW WEST ALONG
MIDDLE RIVER AVE

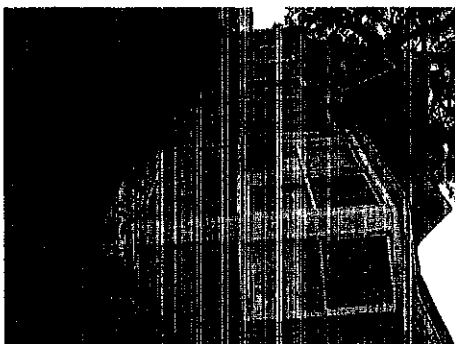
O'Neal Residence - 3701 Middle River Avenue



VIEW SOUTH FROM
EXISTING HOUSE 6



VIEW SOUTH OF EAST
SIDE OF PROPERTY 7



VIEW SOUTH OF
EXISTING HOUSE 8



VIEW SOUTH OF WEST
SIDE OF PROPERTY 9